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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,471	11/25/2003	Lars Thogersen	02405.0218-03000	4378

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,471

Applicant(s)

THOGERSEN, LARS

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/169,361.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031125</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "said second conveyor" in line 19. There is insufficient antecedent basis for this limitation in the claim. There is only one conveyor mentioned in the claim, therefore there can be no "said second conveyor".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kornylak Universal power conveyor and Myron et al. In regards to claims 1 and 11 The Kornylak universal power conveyor (herein Kornylak UPC) teaches a device for transferring cargo comprising:

a conveyor having a first and second end that is at least partially extendable into a cargo compartment;

said conveyor including a plurality of successive conveying units, each unit having wheels and defining a respective conveying path;

said conveyor units being mutually connected by couplings that allow for sideways movements and a pivotal movement about a horizontal axis;

storing the conveyor under a first conveyor unit.

Kornylak UPC does not teach storing the individual conveying units of the conveyor such that they are horizontally pivoted relative to one another with releasable coupling members.

Myron US 4,164,338 teaches an extendable articulated roller conveyor that when it is stored its individual links (34) are pivoted about a horizontal axis by means of releasably connected coupling members (54). It would have been obvious to one of ordinary skill in the art, at the time of invention to store the device taught by Kornylak UPC in the manner taught by Myron in order to allow the conveyor to be stored in a space that is only half the length of the conveyor, thereby allowing a longer conveyor to be used with a shorter fixed conveyor.

In regards to claim 2 Kornylak UPC also teaches an endless conveyor belt arranged above said second conveyor.

In regards to claims 3 and 4 Kornylak UPC also teaches a bridge member adapted to be supported by a transport vehicle and to support conveyor units during extension of said successive conveying units, wherein said bridge incorporates guides for the extendable conveying units.

In regards to claim 10 Kornylak further teaches that said conveyor is controlled by an operator in the cargo compartment.

In regards to claim 12 Kornylak also teaches a drive means for extending said conveyor by way of friction.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kornylak UPC and Myron as applied to claim 1 above, and further in view of McWilliams. In regards to claims 5-8 Kornylak UPC and Myron teach the limitations of claim 1 as above, they do not teach using endless belts as the conveying means or varying the inclination of the first end section of the extendable conveyor. McWilliams US 3,885,682 teaches an extendable conveyor comprising:

- a first end conveyor (70) for varying the inclination of the conveyor path;

- each conveyor unit (70,40) comprises an endless conveyor belt;

- wherein each endless belt is driven by a drive roller, one or more idler rollers which are supported by a frame which in turn is supported by a wheel carrying support member (150). It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the device taught by Kornylak UPC and Myron as taught by McWilliams in order to allow the device to compensate for the height of stored cargo, thereby letting the conveyor place or pickup cargo from any particular height in the cargo compartment, thus saving the operator from unnecessary lifting.

In regards to claim 9 the Kornylak UPC reference further teaches the width of individual conveying units as being much greater than their length. It would have been obvious to one of ordinary skill in the art, at the time of invention to use a length to width ratio similar to the one taught by Kornylak UPC in order to allow the device to have a smaller turning radius.

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Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kornylak Universal power conveyor and Myron et al. The Kornylak power loader (herein Kornylak PL) teaches a device for transferring cargo comprising:

a conveyor having a first and second end that is at least partially extendable into a cargo compartment;

said conveyor including a plurality of successive conveying units, each unit having wheels and defining a respective conveying path;

said conveyor units being mutually connected by couplings that allow for sideways movements and a pivotal movement about a horizontal axis;

storing the conveyor under a first conveyor unit;

Wherein said conveying units are part of a vehicle.

Kornylak UPC does not teach storing the individual conveying units of the conveyor such that they are horizontally pivoted relative to one another with releasable coupling members.

Myron teaches an extendable articulated roller conveyor that when it is stored its individual links (34) are pivoted about a horizontal axis by means of releasably connected coupling members (54). It would have been obvious to one of ordinary skill in the art, at the time of invention to store the device taught by Kornylak UPC in the manner taught by Myron in order to allow the conveyor to be stored in a space that is only half the length of the conveyor, thereby allowing a longer conveyor to be used with a shorter fixed conveyor.

This is a continuation of applicant's earlier Application No. 10/279,965. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 703-605-4294. The examiner can normally be reached between 7:00-5:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF
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11-29-04



EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
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